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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,947	02/06/2002	Leonid Goldstein	Goldst.L-03	3625

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COUDERT BROTHERS LLP
333 SOUTH HOPE STREET
23RD FLOOR
LOS ANGELES, CA 90071

EXAMINER
CHEA, PHILIP J

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/071,947	GOLDSTEIN, LEONID
Office Action Summary	Examiner	Art Unit
	Philip J Chea	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 February 2002</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-10</u> is/are rejected.
7)☒ Claim(s) <u>7</u> is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>06 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>2/6/02</u>.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claims 1-10 have been examined.

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted on 2/6/02 was filed after the mailing date

on 2/6/02. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the

information disclosure statement is being considered by the examiner.

Claim Objections

2.   Applicant is advised that should claim 5 be found allowable, claim 7 will be objected to under 37

CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or

else are so close in content that they both cover the same thing, despite a slight difference in wording, it

is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed

claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 1-3,8,10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

5.   Claim 1 recites the limitation "the fourth one of computers" in lines 5 and 6. There is insufficient

antecedent basis for this limitation in the claim.

6.   Claim 8 recites the limitation:

- "the client proxy software" in line 4;

- "the client application" in lines 5 and 6; and

- "the first computer system" in line 9.

There is insufficient antecedent basis for these limitations in the claim.

7.   Claim 10 recites the limitation:

- "the client proxy" in line 4; and

- "the client application" in line 6.

There is insufficient antecedent basis for this limitation in the claim.

8.   All other claims not mentioned specifically are rejected by virtue of being dependent on a rejected

claim.

9.   Claim 9 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112,

second paragraph.

The claim(s) must be in one sentence form only.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11.   Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Bhide et al. (US 5,852,717),

herein referred to as Bhide.

As per claim 1, Bhide discloses a system, as claimed, comprising:

- a plurality of computers enabled for mutual communication using an optimizing protocol

  (see column 9, lines 39-48, where optimizing is considered increasing performance);

- a first one of the computers enabled for acting as a proxy for a second one of the

  computers using an application layer protocol (see column 9, lines 49-56, where first

computer is considered the proxy server, and second computer is considered the network

access equipment including an agent and application layer protocol is HTTP); and

- the second one of the computers acting as a proxy for at least a third one of the

computers using the application layer protocol (see Fig. 9, where [502] and [508] make

up the client which is considered the third computer), wherein the first one of the

computers is enabled for communication with a fourth one of computers using the

application layer protocol (see Fig. 9, where [512] is first computer enabled for

communicating with fourth computer [506]);

- the second one of the computers being further enabled for selecting between the first one

and the fourth one of the computers, for directing a request from one of the third one of

the computers (see column 9, lines 49-65, where second computer (agent) sends HTTP

requests from third computer (client) to either first one (proxy server) or fourth one (Web

server)).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhide et al., herein

referred to as Bhide as applied to claim 1 above, and further in view of Pepe et al. (US 5,673,322), herein

referred to as Pepe.

As per claim 2, although the system disclosed by Bhide shows that the application layer protocol

is HTTP (see column 9, lines (49-57), it fails to disclose that the second and third computers are one and

the same computer.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Bhide, as evidenced by Pepe.

In an analogous art, Pepe discloses a system with a plurality of computers enabled for mutual communication using an optimizing protocol, further showing that a proxy resides on a client computer (see column 7, lines 10-23).

Given the teaching of Pepe, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Bhide by putting a proxy on the same machine as a client, such as disclosed by Pepe, in order to allow the client to translate requests to an appropriate protocol suitable for optimized transmission.

As per claim 3, using the same motivation to combine as above, Bhide in view of Pepe disclose that a first and second computer (remote proxy and local proxy) employ a means for compatible data compression (see column 7, lines 31-44).

As per claim 4 although the system disclosed by Bhide shows a method of communication over a network, as claimed, comprising the steps of:

- configuring a client computer, a first proxy computer, a second proxy computer, and a server computer, each having a data processing means, a data storing means, and an operating system (see column 9, lines 39-48, although not specifically stated, it is implied, if not inherent, that the computers described all have a data processing means, storage, and an operating system);

- interconnecting the computers for communication through a wide area network (see Fig. 9, and column 5, lines 1-9, where wide area network is considered the World Wide Web);

- enabling the first proxy computer for communication with the server computer using an application layer protocol (see Fig. 9, where [512] is first computer enabled for communicating with server computer [506]);

- enabling the first proxy computer and the second proxy computer for communication by a special optimizing protocol (column 9, lines 39-51); and

- enabling the second proxy computer for communication with the client computer using the application layer protocol (see Fig. 9, where [502] and [508] make up the client and second proxy server is considered the agent [612]), and further comprising the step of enabling the second proxy computer for communication with the server computer using the application layer protocol (see column 9, lines 49-57, where second proxy computer is the agent and server is the Web server using application layer protocol HTTP);

- the second proxy computer is further enabled for selecting between the server computer and the first proxy computer, for directing a request from the client computer (see column 9, lines 49-65, where second computer (agent) sends HTTP requests from client to either proxy server or Web server),

it fails to disclose placing the second proxy computer local to the client computer.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Bhide, as evidenced by Pepe.

In an analogous art, Pepe discloses a system with a plurality of computers enabled for mutual communication using an optimizing protocol, further showing that a proxy is local to a client computer (see column 7, lines 10-23).

Given the teaching of Pepe, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Bhide by making a local proxy for a client, such as disclosed by Pepe, in order to allow the client to translate requests to an appropriate protocol suitable for optimized transmission.

As per claim 5, Bhide in view of Pepe further disclose enabling the application protocol in HTTP and wherein the client application is adapted for browsing (see Bhide column 9, lines 43-51).

As per claim 6, Bhide in view of Pepe further disclose enabling the first and second proxy computers for operating with mutually compatible data compression (see Pepe column 7, lines 31-44).

14.   Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe et al. (US 5,673,322), herein referred to as Pepe, and further in view of Bhide et al. (US 5,82,717).

As per claims 8 and 10, although the system disclosed by Pepe shows a two proxy system, as claimed, comprising the steps of:

- providing at least one user computer communicating with Internet serving computers using an application layer protocol, and at least one proxy computer (see Fig. 5);

- enabling the user computer, using downloaded software, to configure the client application for sending requests in the application protocol to the client proxy software (see column 7, lines 10-23, where downloaded software is considered local proxy module);

- using downloaded software to configure the user computer for operating the client proxy software whenever the client application is operating (see column 7, lines 10-23, where downloaded software is considered local proxy module),

it fails to disclose sending at least one portion of the requests from the application to the first computer system.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Pepe, as evidenced by Bhide.

In an analogous art, Bhide discloses a two proxy system (see Fig. 9, where [510] is considered one proxy and [512] is considered another proxy) providing at least one user computer communicating with Internet serving computers using an application layer protocol and at least one proxy computer (see column 9, lines 44-56), further showing sending at least one portion of requests from an application to a first computer system (see column 9, lines 49-60).

Given the teaching of Bhide, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Pepe by giving a choice between sending requests to a proxy server or directly to a web server, such as disclosed by Bhide, in order to gain an increase in performance depending on whether it would be beneficial to receive requests directly from a web server or through a proxy.

In considering downloading installation files from a web site to a memory device in a user computer, and installing the client proxy software from the installation device, Pepe shows that it is

capable to configure a local proxy module remotely from a service provider to allow the proxy to update the end users host system (see column 10, lines 31-46, where downloaded software is considered local proxy module). It is old and well known in the art that modules can be downloaded from a remote web site and installed. Since Pepe discloses that the local proxy is simply a software package (see column 7, lines 10-23), it would have been obvious to one skilled in the art to allow the software package to be downloaded from a web site and installed, in order to allow easy management of the proxy services without going to the physical location of the client.

As per claim 9, using the same motivation to combine as above, Pepe in view of Bhide disclose a two proxy system comprising the steps of:

- providing a plurality of computers interconnected via WAN (see Bhide Fig. 9, and column 5, lines 1-9, where wide area network is considered the World Wide Web)

- transferring installation of files from one of the computers to another of the computers (see rejection above)

- enabling the another of the computers to act as a proxy for a browser function thereof (see Pepe column 7, lines 10-23)

- enabling the another of the computers to use a further computer as a proxy therefor (see Pepe column 7, lines 10-23).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free).

Philip J Chea
Examiner
Art Unit 2153

PJC 3/30/05

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100